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6 Attorneys for Defendant Homecomings Financial, LLC erroneously sued as  
Homecomings Financial Network

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**RE-NOTICE OF HEARING BEFORE  
JUDGE PATEL ON DEFENDANT  
HOMECOMINGS FINANCIAL,  
LLC'S MOTION TO STRIKE  
PORTIONS OF PLAINTIFFS'  
SECOND AMENDED COMPLAINT**

[RULE 12(f)]

DATE: April 14, 2008  
TIME: 2:00 p.m.  
PLACE: Courtroom 15

21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that on April 14, 2008, at 2:00 p.m., or as soon  
23 thereafter as the matter may be heard before Judge Marilyn H. Patel, at the United  
24 States District Court, Northern District of California, located at 450 Golden Gate  
25 Avenue, San Francisco, California 94102, Defendant Homecomings Financial, LLC  
26 erroneously sued as Homecomings Financial Network (“Homecomings) will, and  
27 hereby does, move to strike paragraph 37 and paragraph 9 of the Prayer of Plaintiffs  
28 Rosa and Maria Galindo’s Second Amended Complaint.

1        Specifically, Homecomings seeks to strike the following language: Paragraph  
 2 37 "Plaintiffs believe the acts of said Defendants were willful, wanton and in  
 3 conscious disregard of the rights of Plaintiffs and Plaintiffs are entitled to recover  
 4 punitive damages" and paragraph 9 of the Prayer "For exemplary and punitive  
 5 damages against Defendants in an amount according to proof at trial[.]" These  
 6 paragraphs improperly request exemplary and punitive damages.

7        This motion is made pursuant to RULE 12(f) of the FEDERAL RULES OF CIVIL  
 8 PROCEDURE on the basis that Plaintiffs have failed to alleged sufficient facts or  
 9 claims allowing them to maintain a request for punitive damages under the law.  
 10 Homecomings has filed its moving and reply papers and Plaintiffs have filed an  
 11 opposition.

12        This motion is based upon this notice of motion and motion; the already filed  
 13 memorandum of points and authorities and the reply papers; the pleadings and  
 14 papers on file in this action; and on such further oral and documentary evidence as  
 15 may be presented at the hearing of this motion.

16  
 17 DATED: February 25, 2008

18  
 19 By /s/ Frederick A. Haist

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 21                    E. SCOTT PALMER  
 22                    FREDERICK A. HAIST  
 23                    PALMER, LOMBARDI & DONOHUE LLP  
 24                    Attorneys for Homecomings Financial, LLC  
 25                    erroneously sued as Homecomings Financial  
 26                    Network